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Attorneys for Defendant/Counter-Plaintiff,
KEATING DENTAL ARTS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

13 JAMES R. GLIDEWELL DENTAL
14 CERAMICS, INC. dba GLIDEWELL
15 LABORATORIES,
16 Plaintiff,
17 v.
18 KEATING DENTAL ARTS, INC.
19 Defendant.
20 AND RELATED COUNTERCLAIMS.
21

} Civil Action No.
SACV11-01309-DOC(ANx)

} **DECLARATION OF MR.**
SHAUN KEATING IN
SUPPORT OF KEATING
DENTAL ARTS, INC.'S
MOTIONS FOR SUMMARY
JUDGMENT

} Date: December 17, 2012
Time: 8:30 a.m.
Location: Courtroom 9D
Honorable David O. Carter

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1 I, Shaun Keating, hereby declare as follows:

2 I am the President and Chief Executive Officer of Keating Dental Arts
3 ("Keating"), the defendant in this case. I have personal knowledge of the
4 matters set forth herein. If called upon to testify, I could and would testify as
5 follows:

6 1. In 1985 I graduated from Huntington College of Dental
7 Technology.

8 2. From 1984 to 2002 I worked at Glidewell Laboratories. For most
9 of that time I was the crown and bridge manager in the fixed prosthodontics
10 department, where I managed the employees in that department.

11 3. In September 2002 I founded Keating Dental Arts in Santa Ana,
12 California. A few years later I relocated the laboratory to a location in Irvine,
13 California. Keating Dental Arts is presently operating in that facility.

14 4. Attached as **Exhibit A** is a true and correct copy of Keating Dental
15 Arts' fee schedule for calendar year 2006. This document was distributed to our
16 dentists/customers in or about December 2005 and/or January 2006. The fee
17 schedule included our "KDZ Zirconia" dental restoration, which was a porcelain
18 top layer atop a zirconia bottom layer.

19 5. Attached as **Exhibit B** is a true and correct copy of Keating Dental
20 Arts' fee schedule for calendar year 2007. This document was distributed to our
21 dentists/customers in or about December 2006 and/or January 2007.

22 6. Attached as **Exhibit C** is a true and correct copy of a Keating
23 Dental Arts brochure distributed in or about January 2007. In 2006, Keating
24 Dental Arts was a 2006 Townie Choice Award winner for the Best Crown and
25 Bridge Laboratory. The award was given by Dental Town, a dental industry
26 organization. The brochure attached as Exhibit C references that award and our
27 KDZ product.

28 7. Attached as **Exhibit D** is a true and correct copy of a Keating

1 Dental Arts marketing mailer sent to our dentists/customers in or around
2 October 2007. The mailer invited our customers to visit our booth at a dental
3 industry trade show (the Greater New York Dental Meeting) that was held on
4 November 25-28, 2007.

5 8. Attached as **Exhibit E** is a true and correct copy of an assemblage
6 of Keating Dental Arts advertisements from the calendar year 2008.

7 9. Attached as **Exhibit F** is a true and correct copy of a form letter
8 sent by U.S. Mail at my direction on March 31, 2011 to Keating's existing
9 customers/dentists at that time. Each Keating customer received this letter with
10 their name, address, and last name entered in the bracketed locations shown on
11 the form letter. I had the letter sent out to introduce our customers to Keating
12 Dental Arts' new KDZ product family (KDZ Bruxer; KDZ Ultra; KDZ Max)
13 and to discuss product prices that would become effective on May 1, 2011.

14 10. Prior to adopting "KDZ Bruxer," which stands for "Keating Dental
15 Zirconia," I conferred with my trademark attorney, Thomas Gourde, about
16 Keating Dental Arts possible use of the name "KDZ Bruxer" for its new full
17 contour zirconia crown. I conferred with Mr. Gourde because I did not want to
18 use a name that would result in liability for Keating Dental Arts.

19 11. For the new KDZ family of products, we developed a similar-
20 looking family of marks, as shown below:



21 12. As part of the introduction of the new KDZ family in 2011, we
22 rebranded the "KDZ Zirconia" layered dental restoration product (sometimes
23 called "KDZ CAD/CAM Zirconia") that we have been selling since 2006 as the
24 "KDZ Ultra." We have been selling that product continuously since 2006. That
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1 product has always been Keating Dental Arts' best selling Zirconia product.

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3 I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct.

5 Executed November 19, 2012, in Irvine, California.

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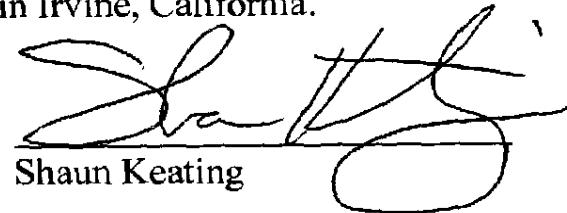
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A handwritten signature in black ink, appearing to read "Shaun Keating". The signature is fluid and cursive, with "Shaun" on the left and "Keating" on the right, connected by a horizontal line.

Shaun Keating